

**§ 63.551 Implementation and enforcement.**

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.541, 63.543 through 63.544, 63.545(a) and (c) through (e), and 63.546.

(2) Approval of major alternatives to test methods for under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37350, June 23, 2003]

**Subpart Y—National Emission Standards for Marine Tank Vessel Loading Operations**

SOURCE: 61 FR 48399, Sept. 19, 1995, unless otherwise noted.

**§ 63.560 Applicability and designation of affected source.**

(a) *Maximum achievable control technology (MACT) standards.* (1) The provisions of this subpart pertaining to the MACT standards in § 63.562(b) and (d) of

this subpart are applicable to existing and new sources with emissions of 10 or 25 tons, as that term is defined in § 63.561, except as specified in paragraph (d) of this section, and are applicable to new sources with emissions less than 10 and 25 tons, as that term is defined in § 63.561, except as specified in paragraph (d) of this section.

(2) Existing sources with emissions less than 10 and 25 tons are not subject to the emissions standards in § 63.562(b) and (d).

(3) The recordkeeping requirements of § 63.567(j)(4) and the emission estimation requirements of § 63.565(1) apply to existing sources with emissions less than 10 and 25 tons.

(b) *Reasonably available control technology (RACT) standards.* (1) The provisions of this subpart pertaining to RACT standards in § 63.562(c) and (d) of this subpart are applicable to sources with throughput of 10 M barrels or 200 M barrels, as that term is defined in § 63.561, except as specified in paragraph (d) of this section.

(2) Sources with throughput less than 10 M barrels and 200 M barrels, as that term is defined in § 63.561, are not subject to the emissions standards in § 63.562(c) and (d).

(c) *General Provisions applicability.* Owners or operators of affected sources, as that term is defined in § 63.561, of this subpart must comply with the requirements of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of this section.

(d) *Exemptions from MACT and RACT standards.* (1) This subpart does not apply to emissions resulting from marine tank vessel loading operations, as that term is defined in § 63.561, of commodities with vapor pressures less than 10.3 kilopascals (kPa) (1.5 pounds per square inch, absolute) (psia) at standard conditions, 20 °C and 760 millimeters Hg (mm Hg).

(2) The provisions of this subpart pertaining to the MACT standards in § 63.562(b)(2), (3) and (4) and to the RACT standards in § 63.562(c)(3) and (4) do not apply to marine tank vessel loading operations where emissions are reduced by using a vapor balancing system, as that term is defined in § 63.561. The provisions pertaining to the vapor

collection system, ship-to-shore compatibility, and vapor tightness of marine tank vessels in § 63.562(b)(1) and (c)(2) do apply.

(3) The provisions of this subpart pertaining to the MACT standards in § 63.562(b)(2), (3), and (4) do not apply to marine tank vessel loading operations that are contiguous with refinery operations at sources subject to and complying with subpart CC of this part, National Emissions Standards for Organic Hazardous Air Pollutants from Petroleum Refineries, except to the extent that any such provisions of this subpart are made applicable by subpart CC of this part.

(4) The provisions of this subpart pertaining to the MACT standards in § 63.562(b) and (d) do not apply to benzene emissions from marine tank vessel loading operations that are subject to and complying with 40 CFR part 61, subpart BB, National Emissions Standards for Benzene Emissions from Benzene Transfer Operations, except that benzene emissions or other HAP emissions (i.e., nonbenzene HAP emissions) from marine tank vessel loading operations that are not subject to subpart BB are subject to the provisions of this subpart.

(5) The provisions of this subpart pertaining to the MACT standards in § 63.562(b) and (d) do not apply to marine tank vessel loading operations at loading berths that only transfer liquids containing organic HAP as impurities, as that term is defined in § 63.561.

(6) The provisions of this subpart do not apply to marine tank vessel loading operations at existing offshore loading terminals, as that term is defined in § 63.561.

(7) The provisions of this subpart do not apply to ballasting operations, as that term is defined in § 63.561.

(e) *Compliance dates—(1) MACT standards compliance dates, except the Valdez Marine Terminal (VMT) source.* (i) A new or existing source with emissions of 10 or 25 tons, except the VMT source, and a new source with emissions less than 10 and 25 tons, except the VMT source, that has an initial startup date on or before September 20, 1999 shall comply with the provisions of this subpart pertaining to the MACT standards in

§ 63.562(b) no later than 4 years after the effective date.

(ii) A new source with emissions of 10 or 25 tons, except the VMT source, and a new source with emissions less than 10 and 25 tons, except the VMT source, that has an initial startup date after September 20, 1999 shall comply with provisions of this subpart pertaining to the MACT standards in § 63.562(b) immediately upon startup.

(iii) A source with emissions less than 10 and 25 tons that increases its emissions subsequent to September 20, 1999 such that it becomes a source with emissions of 10 or 25 tons shall comply with the provisions of this subpart pertaining to the MACT standards in § 63.562(b) within 3 years following the exceedance of the threshold level.

(2) *RACT standards compliance dates, except the VMT source.* (i) A source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date on or before September 21, 1998 shall comply with § 63.562(c)(1) no later than 2 years after the effective date.

(ii) A source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date on or before September 21, 1998 shall comply with the provisions of this subpart pertaining to the RACT standards in § 63.562(c) other than § 63.562(c)(1), no later than 3 years after the effective date.

(iii) A source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date after September 21, 1998 shall comply with the provisions of this subpart pertaining to the RACT standards in § 63.562(c) immediately upon startup.

(iv) A source with throughput less than 10 M barrels and 200 M barrels that increases its throughput subsequent to September 21, 1998 such that it becomes a source with throughput of 10 M barrels or 200 M barrels shall comply with the provisions of this subpart pertaining to the RACT standards in § 63.562(c) within 3 years following the exceedance of the threshold levels.

(v) A source with throughput of 10 M barrels or 200 M barrels may apply for approval from the Administrator for an extension of the compliance date of up to 1 year if it can demonstrate that the

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additional time is necessary for installation of the control device.

(3) *MACT and RACT compliance dates for the VMT source.* The VMT source, as that term is defined in § 63.561, shall

comply with the provisions of this subpart pertaining to the MACT and RACT standards in § 63.562(d) no later than 30 months after the effective date.

**TABLE 1 OF § 63.560—GENERAL PROVISIONS APPLICABILITY TO SUBPART Y**

Reference	Applies to affected sources in subpart Y	Comment
63.1(a)(1) .....	Yes .....	Additional terms are defined in § 63.561; when overlap between subparts A and Y occurs, subpart Y takes precedence.
63.1(a)(2) .....	Yes	
63.1(a)(3) .....	Yes	Subpart Y clarifies the applicability of each paragraph in subpart A to sources subject to subpart Y in this table.
63.1(a)(4) .....	Yes .....	
63.1(a)(5) .....	No .....	
63.1(a)(6) .....	Yes	Reserved.
63.1(a)(7) .....	Yes	
63.1(a)(8) .....	Yes	Reserved.
63.1(a)(9) .....	No .....	
63.1(a)(10) .....	Yes	§ 63.567(a) also allows report submissions via facsimile and on electronic media.
63.1(a)(11) .....	Yes .....	
63.1(a)(12) .....	Yes	Reserved.
63.1(a)(13) .....	Yes	
63.1(a)(14) .....	Yes	§ 63.560 specifies applicability.
63.1(b)(1) .....	Yes	
63.1(b)(2) .....	Yes	Subpart Y clarifies the applicability of each paragraph in subpart A to sources subject to subpart Y in this table.
63.1(b)(3) .....	No .....	
63.1(c)(1) .....	Yes .....	Subpart Y is not applicable to area sources.
63.1(c)(2) .....	Yes .....	
63.1(c)(3) .....	No .....	Reserved.
63.1(c)(4) .....	Yes	
63.1(c)(5) .....	No .....	§ 63.560 specifies applicability.
63.1(d) .....	No .....	
63.1(e) .....	Yes	Reserved.
63.2 .....	Yes .....	
63.3 .....	Yes .....	Additional terms are defined in § 63.561; when overlap between subparts A and Y occurs, subpart Y takes precedence.
63.4(a)(1) .....	Yes	
63.4(a)(2) .....	Yes	Other units used in subpart Y are defined in the text of subpart Y.
63.4(a)(3) .....	Yes	
63.4(a)(4) .....	No .....	Reserved.
63.4(a)(5) .....	Yes	
63.4(b) .....	Yes	Reserved.
63.4(c) .....	Yes	
63.5(a) .....	Yes	Reserved.
63.5(b)(1)(i) .....	Yes	
63.5(b)(1)(ii) .....	No	Reserved.
63.5(b)(2) .....	No .....	
63.5(b)(3) .....	Yes	Reserved.
63.5(b)(4)–(5) .....	No	
63.5(b)(6) .....	Yes	Reserved.
63.5(c) .....	No .....	
63.5(d)(1)(i) .....	No .....	See § 63.566(b)(2).
63.5(d)(1)(ii)(A)(H) .....	Yes	
63.5(d)(1)(ii)(I) .....	No .....	Reserved.
63.5(d)(1)(ii)(J) .....	Yes	
63.5(d)(1)(iii) .....	Yes	Reserved.
63.5(d)(2)–(4) .....	Yes	
63.5(e) .....	Yes	Reserved.
63.5(f)(1)(i) and (ii) .....	Yes	
63.5(f)(1)(iii) and (iv) .....	No	See § 63.566(c).
63.5(f)(2) .....	No .....	
63.6(a)(1) .....	Yes	§ 63.560 specifies applicability.
63.6(a)(2) .....	No .....	
63.6(b)(1)–(5) .....	No .....	§ 63.560(e) specifies compliance dates for sources.

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Reference	Applies to affected sources in subpart Y	Comment
63.6(b)(6) .....	No .....	Reserved.
63.6(b)(7) .....	No .....	§ 63.560(e) specifies compliance dates for sources.
63.6(c)(1) .....	No .....	§ 63.560(e) specifies compliance dates for sources.
63.6(c)(2) .....	No .....	Reserved.
63.6(c)(3)–(4) .....	No .....	§ 63.560(e) specifies compliance dates for sources.
63.6(c)(5) .....	No .....	Reserved.
63.6(d) .....	No .....	See § 63.562(e).
63.6(e) .....	No .....	
63.6(f)(1) .....	Yes .....	
63.6(f)(2)(i) .....	Yes .....	
63.6(f)(2)(ii) .....	No .....	
63.6(f)(2)(iii) .....	Yes .....	
63.6(f)(2)(iv) .....	Yes .....	
63.6(f)(2)(v) .....	No .....	See § 63.562(e)(1).
63.6(f)(3) .....	Yes .....	
63.6(g) .....	Yes .....	
63.6(h) .....	No .....	No opacity monitoring is required under subpart Y.
63.6(i)(1)–(3) .....	Yes .....	
63.6(i)(4)(i)(A) .....	No .....	
63.6(i)(4)(i)(B) .....	Yes .....	
63.6(i)(4)(ii) .....	No .....	
63.6(i)(5)–(12) .....	Yes .....	
63.6(i)(13) .....	No .....	
63.6(i)(14) .....	Yes .....	
63.6(i)(15) .....	No .....	Reserved.
63.6(i)(16) .....	Yes .....	
63.6(j) .....	Yes .....	
63.7(a)(1) .....	Yes .....	
63.7(a)(2)(i)–(iv) .....	No .....	See § 63.563(b)(1).
63.7(a)(2)(v) .....	Yes .....	
63.7(a)(2)(vi) .....	No .....	
63.7(a)(2)(vii)–(viii) .....	No .....	Reserved.
63.7(a)(2)(ix) .....	No .....	
63.7(a)(3) .....	Yes .....	
63.7(b) .....	Yes .....	
63.7(c)(1)–(2) .....	Yes .....	The site-specific test plan must be submitted only if requested by the Administrator.
63.7(c)(3)(i)–(ii)(A) .....	Yes .....	
63.7(c)(3)(ii)(B) .....	No .....	See § 63.565(m)(2).
63.7(c)(3)(iii) .....	Yes .....	
63.7(c)(4) .....	Yes .....	
63.7(d) .....	Yes .....	
63.7(e) .....	Yes .....	
63.7(f) .....	Yes .....	
63.7(g)(1) .....	Yes .....	
63.7(g)(2) .....	No .....	Reserved.
63.7(g)(3) .....	Yes .....	
63.7(h) .....	Yes .....	
63.8(a)(1)–(2) .....	Yes .....	
63.8(a)(3) .....	No .....	Reserved.
63.8(a)(4) .....	Yes .....	
63.8(b)(1) .....	Yes .....	
63.8(b)(2) .....	No .....	
63.8(b)(3) .....	Yes .....	
63.8(c)(1)(i) .....	Yes .....	
63.8(c)(1)(ii) .....	No .....	
63.8(c)(1)(iii) .....	Yes .....	
63.8(c)(2) .....	Yes .....	
63.8(c)(3) .....	Yes .....	
63.8(c)(4) .....	No .....	See § 63.564(a)(3).
63.8(c)(5) .....	No .....	
63.8(c)(6) .....	Yes .....	See also performance specifications for continuous monitoring systems § 63.564(a)(4).
63.8(c)(7)(i)(A)–(B) .....	Yes .....	See also § 63.564(a)(5).
63.8(c)(7)(i)(C) .....	No .....	
63.8(c)(7)(ii) .....	Yes .....	
63.8(c)(8) .....	No .....	See § 63.564(a)(5).
63.8(d) .....	No .....	See § 63.562(e)(2)(iv).

TABLE 1 OF § 63.560—GENERAL PROVISIONS APPLICABILITY TO SUBPART Y—Continued

Reference	Applies to affected sources in subpart Y	Comment
63.8(e)(1)–(4)	Yes	
63.8(e)(5)(i)	Yes	
63.8(e)(5)(ii)	No	
63.8(f)(1)	Yes	
63.8(f)(2)(i)–(vii)	Yes	
63.8(f)(2)(viii)	No	
63.8(f)(2)(ix)	Yes	
63.8(f)(3)–(6)	Yes	
63.8(g)	Yes	
63.9(a)(1)	Yes	
63.9(a)(2)	Yes	
63.9(a)(3)	Yes	
63.9(a)(4)	Yes	
63.9(b)(1)(i)	Yes	
63.9(b)(1)(ii)	No	See § 63.567(b)(1)
63.9(b)(1)(iii)	Yes	
63.9(b)(2)	No	See § 63.567(b)(2).
63.9(b)(3)	No	See § 63.567(b)(3).
63.9(b)(4)	No	See § 63.567(b)(4).
63.9(b)(5)	No	See § 63.567(b)(4).
63.9(c)	No	See § 63.567(c).
63.9(d)	No	
63.9(e)	Yes	
63.9(f)	No	
63.9(g)(1)	Yes	
63.9(g)(2)	No	
63.9(g)(3)	Yes	
63.9(h)(1)–(3)	Yes	
63.9(h)(4)	No	Reserved.
63.9(h)(5)–(6)	Yes	
63.9(i)	Yes	
63.9(j)	Yes	
63.10(a)	Yes	
63.10(b)(1)	Yes	
63.10(b)(2)(i)	No	
63.10(b)(2)(ii)–(iii)	Yes	
63.10(b)(2)(iv)	No	
63.10(b)(2)(v)	No	
63.10(b)(2)(vi)–(xiv)	Yes	
63.10(b)(3)	No	See § 63.567(j)(4).
63.10(c)(1)	Yes	
63.10(c)(2)–(4)	No	Reserved.
63.10(c)(5)	Yes	
63.10(c)(6)	No	See § 63.564(a)(5).
63.10(c)(7)	No	
63.10(c)(8)	Yes	
63.10(c)(9)	No	Reserved.
63.10(c)(10)–(13)	Yes	
63.10(c)(14)	No	See § 63.562(d)(2)(iv).
63.10(c)(15)	No	
63.10(d)(1)–(2)	Yes	
63.10(d)(3)	No	See § 63.567(d).
63.10(d)(4)	Yes	
63.10(d)(5)	No	
63.10(e)(1)	Yes	
63.10(e)(2)(i)	Yes	
63.10(e)(2)(ii)	No	
63.10(e)(3)(i)–(v)	No	See § 63.567(e)
63.10(e)(3)(vi)	Yes	
63.10(e)(3)(vii)–(viii)	No	See § 63.567(e)
63.10(e)(4)	No	
63.10(f)	Yes	
63.11	Yes	
63.12–63.15	Yes	